



VILLAGE OF MONTGOMERY

***Zoning Board of Appeals Meeting
January 4, 2018, 2017 7:00 P.M.
Village Hall Board Room
200 N. River Street, Montgomery, IL 60538***

I. Call to Order

Chairman Hammond called the meeting to order at 7:00 pm.

II. Roll Call

Present: Tom Yakaitis, Patrick Kelsey, Mike Hammond, Ryan Anderson, Mildred McNeal-James, Butch Distajo and Tom Betsinger.

Absent: None

Also Present: Village Attorney Laura Julien, Senior Planner Jerad Chipman, Village Engineer Tim Paulson, Executive Director of the Montgomery Economic Development Corporation Charlene Coulombe-Fiore, Village Trustees Doug Marecek and Theresa Sperling and members of the audience.

III. Approval of the Minutes of May 4, 2017

Motion: Motion was made by Commissioner Kelsey to approve the minutes of 5/4/17.

Commissioner Distajo seconded the motion. Motion passed 6-0.

Ayes: McNeal-James, Distajo, Yakaitis, Kelsey, Hammond, Anderson

Nays: None

Abstain: Betsinger

IV. Public Comment Period

There were no comments from the public.

V. Items for Zoning Board of Appeals Action

- a. 2017- ZBA 2017-016 V Public Hearing and Consideration of a Variance to Section 13 of the Zoning Ordinance Located at 170 Montgomery Road – Don Bosco Sport Complex. This item was discussed in length during the Plan Commission Meeting immediately preceding this on 1/4/18, item C on the agenda.

Chairman Hammond opened the Public Hearing. There were no comments from the public.

Chairman Hammond read through the findings of fact:

- 1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; it is the Petitioner's opinion that complying with the current ordinance would diminish the Petitioner's ability to hold quality tournaments. A smaller building would remove the number of competitive fields and that would limit the number of concurrent matches.

Staff understands that the Petitioner is concerned about the quality of tournaments that would be able to be played at the site, however, staff believes that the prospect of tournaments at the location reinforces the need for adequate parking on the site.

- 2) That the plight of the owner is due to unique circumstances; The Petitioner believes that their situation is unique due to the presence of flood plain on the northern portion of the property.

Staff believes that the situation is not entirely unique as many properties in the Village are affected by flood plain.

- 3) *That the variation, if granted, will not alter the essential character of the locality; The Petitioner believes that denying the variance will adversely affect the essential character of the locality as the Petitioner would further pursue placing parking in the flood plain in order to meet the Zoning Ordinance requirement. The Petitioner continues by stating that the flood plain acts as a natural buffer between neighboring properties.*

Staff believes that the essential character of the locality will be altered as the residential nature of the property will transition to something more commercial in appearance. The area will see an increase in traffic and illumination of a non-residential nature.

4) That the particular physical surroundings, shape, or topographical conditions of the specific property involved will bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out; The Petitioner believes that there are physical constraints on the property in regards to the flood plain located on the north side of the property.

It is staff's opinion that the flood plain presents a challenge to development, however, there are options that the Petitioner could pursue in order to comply with the Zoning Ordinance. Those options include reducing the size of the building, or locating the detention in the flood plain along with the required compensatory storage.

5) That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoned classification. The Petitioner believes that their situation is unique in the R-3 Traditional Neighborhood Residence District.

6) That the need or purpose of the variation is not based exclusively upon a desire to make more money out of the property; The Petitioner believes that the application for a Variance for the proposed parking facility is not based exclusively upon a desire to make more money. Staff does not dispute the Petitioner's view regarding this issue.

7) That the granting of the variation will not be detrimental to the public welfare or unduly injurious to other property or improvements in the neighborhood in which the property is located; The Petitioner has indicated that they believe that granting the variance will not cause detriment to other properties in the neighborhood.

Staff believes that the variation could be a detriment or injury to other properties as additional vehicles will have no option but to park on neighboring properties or streets.

8) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or

substantially diminish or impair property values within the neighborhood.” The Petitioner believes that the variation would benefit downstream properties as the Petitioner is not proposing adding a large amount of impervious surface to the flood plain.

Staff believes that the variation should not impair light or air supply, however, staff believes that property values may be affected by the increase in traffic and lighting.

Following the Public Hearing, the Zoning Board of Appeals should discuss the standards for granting a variation and make the findings of fact by reading each criteria and entering into the minutes the consensus on each.

Motion: Motion was made by Commissioner Kelsey to deny 2017- ZBA 2017-016 V Public Hearing and Consideration of a Variance to Section 13 of the Zoning Ordinance Located at 170 Montgomery Road – Don Bosco Sport Complex. Commissioner Yakaitis seconded the motion. Motion passed 7-0.

Ayes: Tom Yakaitis, Patrick Kelsey, Mike Hammond, Ryan Anderson, Mildred McNeal-James, Butch Distajo and Tom Betsinger.

Nays: None

VI. New Business

There was no new business.

VII. Next Meeting: February 1, 2018

VIII. Adjournment

Having no further business to discuss, the meeting was adjourned at 8:43 PM by Chairman Hammond.

Respectfully Submitted,



Chris Wagner, Plan Commission Secretary